IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT APPEAL No: 1886 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22/09/2004 in WP No:17061 OF 2004 on the file of the High Court.)

Between:

The Depot Manager, APSRTC, Kodad Kepot, Nalgonda District.

..... APPELLANT

AND

Sri K. Yakob, S/o. Bikshamaiah,
R/o. 5-64/1, P & V Kudaguda, Linganagar Manchvamalla, Nalgonda District.

.....RESPONDENT

Counsel for the Appellant: MR.V.T.M.PRASAD

Counsel for the Respondent: MR.P.SRIDHAR RAO

The Court made the following:

ORAL ORDER (PER GB,J.)

The Writ Appeal is filed against the order dated 22-9-2004 passed by the learned single Judge in W.P.No.17061 of 2004.

2. The respondent-employee was placed under suspension on 23-8-2004 pending disciplinary proceedings. Against the said order he filed the Writ Petition.

3. The learned single Judge directed that the order of suspension should be raised and enquiry should be conducted expeditiously. Against the said order the present Writ Appeal has been filed by APSRTC.

4. Learned counsel appearing for the APSRTC submits that the learned Judge gravely erred in setting aside the order of suspension without discussing the contentions raised by the APSRTC. He also submits that under the CCA Rules it is always open for the disciplinary authority to place the employee under suspension pending enquiry.

5. In the instant case the respondent has committed cash and ticket irregularities and therefore, it became necessary for the authorities to place him under suspension pending enquiry. In such a situation, the said order could not have been interfered by the learned single Judge.

6. On the other hand, the learned counsel for the respondent submits that the order was passed after hearing the counsel for the APSRTC and therefore, the Writ Appeal is liable to be dismissed.

7. We are not inclined to go into the respective contentions. Since it is brought to our notice that the enquiry has already been conducted and a show-cause notice was already issued to the respondent-employee, in such a situation, we are not inclined to consider the matter on the merits.

8. Suffice to say that the Writ Appeal has to be disposed of directing the authority to pass final orders if not already passed within a period of one week from the date of receipt of a copy of this order. The Writ Appeal is accordingly disposed of. However, we make it clear that the order of the learned single Judge passed in the Writ Petition shall not be treated as a precedent in other cases.

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(G. BIKSHAPATHY, J.)

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(P.S. NARAYANA, J.)

Date: 02-12-2004

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To

1. The Depot Manager, APSRTC, Kodad Kepot, Nalgonda District.

2. 2 CD copies